



<b>FOR CLERK USE ONLY</b>	
City Council	
Item No.	<u>14</u>

## CITY COUNCIL AGENDA FACT SHEET

City Attorney (Mayor)

February 16, 2010

Department

Requested Date

1. **Request:**

Council Approval

☒

Information Only/  
Presentation

☐

Other (specify)

☐

Hearing

☐

2. **Requested Action:**

Consider resolution and ordinances to submit a ballot measure to the voters for the June 8, 2010 election related to a half cent sales tax for public safety.

3. **Fiscal Impact:**

Revenue:

Increase

☒

Decrease

☐

Source:

sales tax revenue

Amount:

Approx. 2 million annually

Cost:

Increase

☐

Decrease

☐

Source:

N/A

Amount:

\$

Does Not Apply

☒

4. **Reviewed By:**

Finance Dept. on

By:

Comments:

City Attorney on

Feb 8, 2010

By:

Comments:

*Note: Back up must be submitted along with this form. Deadline is 5:00 p.m., 2 Fridays before the scheduled meeting date.*

**CLERK USE ONLY:**

CITY COUNCIL DATE:

Action

☐

Filing

☐

Consent

☐

Presentation

☐

Hearing

☐

Other (specify)

☐

Reviewed by: City Clerk

Date

City Manager

Date

**CITY COUNCIL  
AGENDA REPORT**

**SUBJECT:** Discussion to present a 0.50% (Half-cent) Sales Tax for Police and Fire Services at the General Municipal Election to be held on June 8, 2010.

**AGENDA DATE:** February 16, 2009

**PREPARED BY:** Jennifer Lyon, City Attorney  (item requested by Mayor Ouzan)

**APPROVED FOR AGENDA BY:** Victor Carrillo, City Manager

**RECOMMENDATION:** Consider adoption of the following resolution and ordinances to submit a ballot measure for the June 8, 2010 election to propose a half-cent special sales tax for police and fire. If Council wants to submit this ballot measure, it requires three separate motions and each resolution or ordinance requires four affirmative votes to be adopted pursuant to Revenue & Taxation Code section 7285.91.

1. Ordinance \_\_\_\_ - An Ordinance of the City Council of the City of Calexico Ordering the Submission of a Measure to Impose a Transactions and Use Tax (A Sales Tax) in the Amount of 0.50 percent to the Qualified Voters of the City at the General Municipal Election to be Held on June 8, 2010. *(Motion to waive full reading and to introduce by title only)*
2. Ordinance \_\_\_\_ - An Ordinance of the City of Calexico to Add Chapter 3.23 "Public Safety Transactions and Use Tax" to Title 3 "Revenue and Finance" of the Calexico Municipal Code to Impose a Transactions and Use Tax to be Administered by the State Board of Equalization. *(Motion to waive full reading and to introduce by title only).*
3. Resolution No. 10-\_\_ - Resolution of the City Council of the City of Calexico Calling and giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, June 8, 2010; Ordering Submission of a Ballot Measure to the Voters as Required by the Provisions of the Laws of the State of California Relating to General Law Cities; Requesting the Board of Supervisors of the County of Imperial to Render Specified Services to the City Relating to the Conduct of a General Municipal Election and to Consolidate Such Election with any Statewide or Local Election to be Held on Tuesday, June 8, 2010; and Authorizing the filing of an Impartial Analysis and Written Arguments Relating to a Measure to Approve an Ordinance Imposing a 0.50 Percent Transactions and Use Tax (A Sales Tax) for Public Safety.

**FISCAL IMPACT:** The City will already be holding the General Municipal Election. The addition of this measure to the General Municipal Election will not cost the City any

additional money according to the County. If the voters approve the sales tax increase, it is estimated to generate a minimum amount of \$2,000,000 annually. If approved, the tax will last for twenty years. The City may issue bonds based on the sales tax proceeds.

**DISCUSSION (Current consideration)**

The proposed measure is a half-cent sale tax to be used solely for public safety (quarter-cent for Fire/ quarter cent for Police). The proceeds of the tax would be used to fund police and fire services in the City. The proceeds will be dedicated to the development and improvement of a well-equipped and well-staffed fire department and police department. The proceeds can be used for the purchase of fire and police equipment and for personnel costs for both departments. If the City decides to issue bonds, the proceeds would be used to repay the principal and interest on bonds issued for the purchase of public safety equipment and/or capital improvements for public safety. The bond proceeds could be used for the development, design, acquisition of real property, construction, operation, and maintenance of any future capital projects for police and fire. Also, the bond proceeds may be used to repay the costs of debt issuance. The plan also contemplates payment of the costs associated with issuance of the bonds, from the bond proceeds, and the reimbursement of all costs advanced by the City, prior to the issuance of the bonds.

State law requires that any proposal for a special tax first be approved by an ordinance which is approved by **two-thirds of the City Council (four out of five council members)**. The ordinances/resolution are intended to order that the proposed sales tax be submitted to the voters at a general municipal election to be held on June 8, 2010.

If the Council approves the above-listed resolutions and ordinances they will go into effect immediately as ordinances relating to elections. However, the City Council will do an additional approval of these ordinances at its regular meeting on March 2, 2010 as items on the consent agenda. All ordinances and resolutions related to submitting this measure to the voters must be submitted to the Registrar's Office by **March 12, 2010**.

**Attachments:** 2 ordinances and 1 resolution

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
CALEXICO ORDERING THE SUBMISSION OF A MEASURE TO  
IMPLEMENT A TRANSACTIONS AND USE TAX (A SALES TAX)  
IN THE AMOUNT OF 0.50 PERCENT TO THE QUALIFIED  
VOTERS OF THE CITY AT THE GENERAL MUNICIPAL  
ELECTION TO BE HELD ON JUNE 8, 2010**

**WHEREAS**, section 7825.91 of the California Revenue and Taxation Code authorizes cities to levy a transactions and use tax ("sales tax" or "sales and use tax") at a rate of 0.25 percent (or any multiple thereof) to be expended for special purposes, which transactions and use tax is subject to the approval by a two-thirds vote of all the members of the City Council and by a two-thirds vote of the qualified voters of the City voting in an election on the issue; and

**WHEREAS**, the City's fire and police departments are in need of funding to improve and develop fire and police services for the citizens of Calexico; and

**WHEREAS**, the City Council desires to submit a ballot measure on a transactions and use tax to the qualified voters of the City of Calexico at a General Municipal Election to be held on June 8, 2010.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Calexico as follows:

**Section 1.** At the election to be held on June 8, 2010, there shall be submitted to the qualified voters the following measure to approve Ordinance \_\_\_\_\_ (attached as Exhibit "A") levying a transactions and use tax for special purposes:

Shall the ordinance to fund police and fire services for the citizens of Calexico by implementing a dedicated half cent sales tax for twenty years be adopted?	Yes	
	No	

**Section 2.** The measure shall be submitted to the voters of City of Calexico as required by Section 53720 et seq. of the California Government Code, approved by the voters of California in 1986 as Proposition 62; as required by Article XIII C of the California Constitution,

approved by the voters of California in 1996 as Proposition 218; and as required by Section 7285.91 of the California Revenue and Taxation Code.

**Section 3.** The proposed transactions and use tax shall be imposed at the rate of .50% for twenty (20) years and shall then terminate, unless the City Council determines prior to that date that the levy and collection of the tax is no longer necessary, in which case the City Council has the authority to reduce the rate of tax or to terminate the imposition of the tax.

**Section 4.** That the City is not requesting the Registrar to print the entire text of the Ordinance in the Voter Information Packet.

**Section 5.** If the tax is approved by the voters, the proceeds of the tax shall be used to fund police and fire services in the City. The proceeds will be dedicated to the development and improvement of a well-equipped and well-staffed fire department and police department. The proceeds can be used for the purchase of fire and police equipment and for personnel costs for both departments. If the City decides to issue bonds, the proceeds would be used to repay the principal and interest on bonds issued for the purchase of public safety equipment and/or capital improvements for public safety. The bond proceeds could be used for the development, design, acquisition of real property, construction, operation, and maintenance of any future capital projects for police and fire. Also, the bond proceeds may be used to repay the costs of debt issuance. The term "development" is to include all land acquisition, permitting, architectural design, engineering, construction management fees, construction costs, fixtures, furnishing and equipment, and all other related costs and expenses. The plan also contemplates payment of the costs associated with issuance of the bonds, from the bond proceeds, and the reimbursement of all costs advanced by the City, prior to the issuance of the bonds.

**Section 6.** This ordinance shall take effect immediately as an ordinance relating to an election, pursuant to California Government Code section 36937 (a).

PASSED AND ADOPTED by the City Council of the City of Calexico, State of California, on March 2, 2010, by the following vote:

AYES:

NOES:

ABSENT:

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David B. Ouzan, Mayor

ATTEST:

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Lourdes Cordova, City Clerk

APPROVED AS TO FORM:

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Jennifer M. Lyon, City Attorney

**AN ORDINANCE OF THE CITY OF CALEXICO TO ADD  
CHAPTER 3.27 "PUBLIC SAFETY TRANSACTIONS AND USE  
TAX" TO TITLE 3 "REVENUE AND FINANCE" OF THE  
CALEXICO MUNICIPAL CODE TO IMPOSE A TRANSACTIONS  
AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD  
OF EQUALIZATION**

**The People of the City of Calexico and the City Council of the City of Calexico hereby  
ordain as follows:**

**Section 1.** (Section 3.27.010) TITLE. This ordinance shall be known as the Public Safety Transactions and Use Tax Ordinance. The City of Calexico hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

**Section 2.** (Section 3.27.020) OPERATIVE DATE. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being as set forth below.

**Section 3.** (Section 3.27.030) PURPOSE. This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.91 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if **two-thirds** of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

**Section 4. (Section 3.27.040) CONTRACT WITH STATE.** Prior to the operative date, the City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

**Section 5. (Section 3.27.050) TRANSACTIONS TAX RATE.** For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the City at the rate of **one half of one percent (0.50%)** of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date of this ordinance.

**Section 6. (Section 3.27.060) PLACE OF SALE.** For the purposes of this ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization.

**Section 7. (Section 3.27.070) USE TAX RATE.** An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date of this ordinance for storage, use or other consumption in said territory at the rate of **one half of one percent (0.50%)** of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

**Section 8. (Section 3.27.080) ADOPTION OF PROVISIONS OF STATE LAW.** Except as otherwise provided in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

**Section 9. (Section 3.27.090) LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE TAXES.** In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefore. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Board of Control, State Board of Equalization, State Treasury, or the Constitution of the State of California;
2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against



the State Board of Equalization, in performing the functions incident to the administration or operation of this Ordinance.

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

B. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

C. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.

1. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

D. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

**Section 10.** (Section 3.27.100) PERMIT NOT REQUIRED. If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this ordinance.

**Section 11.** (Section 3.27.110) EXEMPTIONS AND EXCLUSIONS.

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.
2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

C. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

D. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

1. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.
2. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this ordinance.
3. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

E. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.
2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.
3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.
4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the

property for an amount fixed by a lease prior to the operative date of this ordinance.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.
7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

F. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

**Section 12.** (Section 3.27.120) AMENDMENTS. All amendments subsequent to the effective date of this ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

**Section 13.** (Section 3.27.130) ENJOINING COLLECTION FORBIDDEN. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

**Section 14.** (Section 3.27.140) SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the

ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

**Section 15.** (Section 3.27.050) EFFECTIVE DATE. This ordinance relates to the levying and collecting of the City transactions and use taxes and shall take effect immediately pursuant to state law.

**Section 16.** (Section 3.27.060) TERMINATION DATE. The authority to levy the tax imposed by this ordinance shall expire twenty (20) years from the operative date of this ordinance.

**Section 17.** (Section 3.27.070) EXPENDITURE PLAN.

A. The proceeds of the tax created by this Ordinance shall be used to fund police and fire services in the City. The proceeds will be dedicated to the development and improvement of a well-equipped and well-staffed fire department and police department. The proceeds can be used for the purchase of fire and police equipment and for personnel costs for both departments. If the City decides to issue bonds, the proceeds would be used to repay the principal and interest on bonds issued for the purchase of public safety equipment and/or capital improvements for public safety. The bond proceeds could be used for the development, design, acquisition of real property, construction, operation, and maintenance of any future capital projects for police and fire. Also, the bond proceeds may be used to repay the costs of debt issuance. The term "development" is to include all land acquisition, permitting, architectural design, engineering, construction management fees, construction costs, fixtures, furnishing and equipment, and all other related costs and expenses. The plan also contemplates payment of the costs associated with issuance of the bonds, from the bond proceeds, and the reimbursement of all costs advanced by the City, prior to the issuance of the bonds.

**Section 18.** This Ordinance shall have no force and effect unless and until approved by a two-thirds vote of the people at an election held for this matter.

PASSED AND ADOPTED by the City Council of the City of Calexico, State of California on March 2, 2010 by the following vote:

AYES:

NOES:

ABSENT:

\_\_\_\_\_  
Mayor David B. Ouzan

Attest: \_\_\_\_\_  
City Clerk, Lourdes Cordova

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION ON TUESDAY, JUNE 8, 2010; ORDERING SUBMISSION OF A BALLOT MEASURE TO THE VOTERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES; REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF IMPERIAL TO RENDER SPECIFIED SERVICES TO THE CITY; AND AUTHORIZING THE FILING OF AN IMPARTIAL ANALYSIS AND WRITTEN ARGUMENTS RELATING TO A MEASURE TO APPROVE AN ORDINANCE IMPLEMENTING A 0.50 PERCENT TRANSACTIONS AND USE TAX (A SALES TAX)**

**WHEREAS**, under the provisions of the laws relating to General Law cities in the State of California, a General Municipal Election shall be held on Tuesday, June 8, 2010 for the purpose of submission of a ballot measure to the voters and for the purpose of holding an election to fill councilmember vacancies; and

**WHEREAS**, section 7825.91 of the California Revenue and Taxation Code authorizes cities to levy a transactions and use tax ("sales tax" or "sales and use tax") at a rate of 0.25 percent (or any multiple thereof) to be expended for special purposes, which transactions and use tax is subject to the approval by a two-thirds vote of all the members of the City Council and by a two-thirds vote of the qualified voters of the City voting in an election on the issue; and

**WHEREAS**, section 9280 of the California Elections Code authorizes the filing of an impartial analysis and sections 9281-9283 of said Code authorize the filing of written arguments for or against any ballot proposition.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

**Section 1.** That pursuant to the requirements of the laws of the State of California relating to General Law cities, there is called and ordered to be held in the City of Calexico, California, on Tuesday, June 8, 2010, a General Municipal Election.

**Section 2.** That pursuant to the requirements of the laws of the State of California relating to General Law Cities, the following question shall be submitted to the qualified voters of the city at the General Municipal Election to be held on Tuesday, June 8, 2010:

Shall the ordinance to fund police and fire services for the citizens of Calexico by implementing a dedicated half cent sales tax for twenty years be adopted?	Yes	
	No	

**Section 3.** That the above-proposed ordinance to be submitted to the voters is attached hereto as Exhibit "A" and incorporated herein by reference. That such ordinance will be approved by two-thirds of the entire membership of the City Council prior to consideration of approval by the voters as required by Revenue & Taxation Code section 7285.91.

**Section 4.** The measure shall be submitted to the voters of City of Calexico as required by Section 53720 et seq. of the California Government Code, approved by the voters of California in 1986 as Proposition 62; as required by Article XIII C of the California Constitution, approved by the voters of California in 1996 as Proposition 218; and as required by Section 7285.91 of the California Revenue and Taxation Code.

**Section 5.** That pursuant to the provisions of Sections 10403, 10411, and 10418 of the Elections Code, the City Council hereby requests that the Board of Supervisors of the County of Imperial order the consolidation of the election on the City Measure with any other State, City or County election scheduled for Tuesday, June 8, 2010 and that said election be held in all respects as if there were only one election. The election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots counted, and returned, returns canvassed, results declared, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating the election as specified herein.

**Section 6.** The proposed transactions and use tax shall be imposed at the rate of .50% for twenty (20) years and shall then terminate, unless the City Council determines prior to that date that the levy and collection of the tax is no longer necessary, in which case the City Council has the authority to reduce the rate of tax or to terminate the imposition of the tax.

**Section 7.** That the ballots to be used at the election shall be in form and content as required by law.

**Section 8.** That the County is authorized to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct this election.

**Section 9.** That the Polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of

the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

**Section 10.** That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**Section 11.** That notice of the time and place of holding the election is hereby given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election in time, form and manner as required by law.

**Section 12.** That the City Council is not requesting the County elections official to print the entire text of the Ordinance in the voter information pamphlet/sample ballot.

**Section 13.** That the City of Calexico shall reimburse the County for election services performed when the work is completed and upon presentation to the City of a properly approved bill.

**Section 14.** Authorization to file Written Argument. The Mayor and the City Council, or their designee, are hereby authorized to prepare and file a written argument for the proposition to be submitted at said municipal election. All written arguments for or against the proposition shall not exceed 300 words in length and shall otherwise conform to and comply with all applicable provisions of the California Elections Code. The deadline for the submittal of arguments, in favor or in opposition, shall be as required by the City Clerk under Section 9286 of the California Elections Code.

**Section 15.** City Attorney's Impartial Analysis. The City Clerk is hereby directed to submit to the City Attorney a certified copy of the Resolution. The City Attorney is hereby authorized and directed to prepare an impartial analysis of the proposition specified in the Resolution showing the effect of the measure on the existing law and the operation of the measure, said analysis to be submitted by the City Attorney to the City Clerk for printing before the arguments for and against the measure. The analysis shall not exceed 500 words in length and shall otherwise comply in all respects with the applicable provisions of the California Elections Code. The deadline date for submittal of the analysis shall be as required by the City Clerk.

**Section 16.** That the City Clerk is directed to forward without delay to the Board of Supervisors and to the County Election Department, each a certified copy of this Resolution.

PASSED and ADOPTED this 16th day of February, 2010.

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David B. Ouzan, Mayor

ATTEST:

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Lourdes Cordova, City Clerk

APPROVED AS TO FORM:

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Jennifer M. Lyon, City Attorney



STATE OF CALIFORNIA     )  
COUNTY OF IMPERIAL    ) SS.  
CITY OF CALEXICO        )

I, LOURDES CORDOVA, CITY CLERK OF THE CITY OF CALEXICO, DO HEREBY CERTIFY THAT THE ABOVE FOREGOING RESOLUTION NO. \_\_\_\_\_, WAS DULY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CALEXICO ON THIS 16th DAY OF FEBRUARY 2010 BY THE FOLLOWING VOTE TO WIT:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
LOURDES CORDOVA, CITY CLERK

SEAL